

RECEIVED  
CENTRAL FAX CENTER

## Official FAX Transmittal

SEP 16 2004

Application No.: 09/751,671 )  
Confirm. No.: 9120 ) Group Art Unit.: 1634  
Applicant: David A. ) Examiner: Betty J. Forman  
ZARLING )  
Filing Date: 12/28/2000 )  
For: RECOMBINASE MEDIATED GENE CHIP DETECTION

---

To: USPTO Centralized FAX number  
Telephone: Fax: 703.872.9306

From: Daniel M. Becker, Reg. No. 38,376  
Telephone: 650.324.7014  
Direct Fax: 650.324.6665

No. of Pages: 7 (including cover)  
Date: September 16, 2004

---

## CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.6(d))

I hereby certify that this correspondence is being transmitted by facsimile on September 16, 2004 to the United States Patent and Trademark Office at the facsimile number set forth above.

Date: September 16, 2004

  
Rachel Mena

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (650) 324-7000.

Heller Ehrman White &amp; McAuliffe LLP www.hewm.com

San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage New York Washington, D.C. Madison, WI

BEST AVAILABLE COPY

SEP 16 2004

PTO/SB/81 (06-04)

Approved for use through 11/30/2005. OMB 0651-0038

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	09/751,671
Filing Date	12/28/2000
First Named Inventor	David A. Zarling
Title	Recombinase Mediated Gene Chip Detection
Art Unit	1634
Examiner Name	Betty J. Forman
Attorney Docket Number	41428-0367-001

I hereby appoint:

☒ Practitioners associated with the Customer Number:

25213

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:☐ Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06)**SIGNATURE of Applicant or Assignee of Record** (if assignee, put name, title and company name in the "Name" space below)Name Roger M. Leake, General Counsel, Genomics Division, Tapestry Pharmaceuticals, Inc.Signature [Signature]Date Sept 13 2004Telephone 302.288.8820

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/96 (08-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Inventor: David A. Zarling et al.Application No./Patent No.: 09/751,671 Filed/Issue Date: 12/28/2000Entitled: Recombinase Mediated Gene Chip DetectionTapestry Pharmaceuticals, Inc. a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: David A. Zarling; Gurucharan Reddy; Sushma Pati To: Pangene Corporation  
The document was recorded in the United States Patent and Trademark Office at Reel 011833, Frame 0803, or for which a copy thereof is attached.
2. From: Pangene Corporation To: NaPro BioTherapeutics, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013697, Frame 0971, or for which a copy thereof is attached.
3. From: NaPro BioTherapeutics, Inc. To: Tapestry Pharmaceuticals, Inc.  
The document is attached hereto.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Sept 13 2004  
Date  
302.286.6820  
Telephone number

Hope Liebk  
Typed or printed name  
Hope Liebk  
Signature  
General Counsel, Genomics Division  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Delaware

*The First State*

RECEIVED  
CENTRAL FAX CENTER

SEP 16 2004

PAGE 1

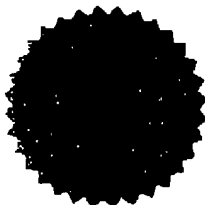
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"TAPESTRY PHARMACEUTICALS INC.", A DELAWARE CORPORATION,  
WITH AND INTO "NAPRO BIOTHERAPEUTICS, INC." UNDER THE NAME  
OF "TAPESTRY PHARMACEUTICALS, INC.", A CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED  
AND FILED IN THIS OFFICE THE FOURTH DAY OF MAY, A.D. 2004, AT  
8:30 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF  
THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE FOURTH DAY OF MAY,  
A.D. 2004, AT 4 O'CLOCK P.M.

2350165 8100M

040397088



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3139320

DATE: 05-27-04

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 9:33 AM 05/04/2004  
FILED 0 AM 05/04/2004  
SRV 040321067 - 2350165 FILE

**CERTIFICATE OF OWNERSHIP AND MERGER****MERGING****TAPESTRY PHARMACEUTICALS, INC.****WITH AND INTO****NAPRO BIOTHERAPEUTICS, INC.**

---

Pursuant to Section 253 of the  
Delaware General Corporation Law

---

**NAPRO BIOTHERAPEUTICS, INC.**, a corporation organized and existing under the laws of the State of Delaware (this "**Corporation**"), **DOES HEREBY CERTIFY:**

**FIRST:** That this Corporation was incorporated on September 8, 1993, pursuant to the Delaware General Corporation Law (the "**DGCL**"), the provisions of which permit the merger of a subsidiary corporation organized and existing under the laws of such State with and into a parent corporation organized and existing under the laws of such State.

**SECOND:** That this Corporation owns all of the outstanding shares of the common stock, \$0.01 par value per share, of Tapestry Pharmaceuticals, Inc., a corporation incorporated on April 21, 2004 (the "**Merger Sub**"), pursuant to the DGCL, and having no class of stock outstanding other than such common stock.

**THIRD:** That this Corporation, by the resolutions of its Board of Directors attached hereto as *Exhibit A*, duly adopted by the unanimous written consent of its members pursuant to Section 141(f) of the DGCL effective May 3, 2004, determined to merge the Merger Sub with and into itself (the "**Merger**").

**FOURTH:** That the surviving corporation of the Merger (the "**Surviving Corporation**") shall be this Corporation.


**FIFTH:** That from and after the effective time of the Merger, the Amended and Restated Certificate of Incorporation of this Corporation, as amended (the "**Certificate of Incorporation**"), shall be the Certificate of Incorporation of the Surviving Corporation and Article One of the Certificate of Incorporation of this Corporation shall be amended and restated to read as follows:

"The name of this corporation is Tapestry Pharmaceuticals, Inc. (the "**Corporation**")."

**SIXTH:** That the Merger shall become effective at 4:00 pm EDT on May 4, 2004.

IN WITNESS WHEREOF, NaPro BioTherapeutics, Inc. has caused this Certificate of Ownership and Merger to be executed in its corporate name as of this 3rd day of May, 2004.

NAPRO BIOTHERAPEUTICS, INC.

By:   
Kai P. Larson

**EXHIBIT A****RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS OF NAPRO BIOTHERAPEUTICS, INC.**

**RESOLVED**, that the Merger Sub be merged with and into the Corporation (the "*Merger*") and that the Corporation be the surviving corporation of the Merger;

**RESOLVED FURTHER**, that the Merger shall become effective on the filing of a Certificate of Ownership and Merger (the "*Certificate of Merger*") prepared and executed by an officer of the Corporation in the form required by Section 253 of the General Corporation Law of the State of Delaware and filed with the Secretary of State of the State of Delaware;

**RESOLVED FURTHER**, that upon the effectiveness of the Merger, (i) the Corporation shall assume all of the liabilities and obligations of the Merger Sub, (ii) the name of the Corporation shall be changed from "NaPro BioTherapeutics, Inc." to "Tapestry Pharmaceuticals, Inc." and (iii) Article One of the Amended and Restated Certificate of Incorporation of the Corporation, as amended, shall be amended and restated to read as follows: "The name of this corporation is Tapestry Pharmaceuticals, Inc. (the "Corporation")."

**RESOLVED FURTHER**, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to effect all filings and qualifications, and take all further actions, that any such officer deems to be necessary or appropriate to comply with state or federal securities laws in connection with the transactions contemplated by the Merger and the Certificate of Merger;

**RESOLVED FURTHER**, that the officers of the Corporation be, and each of them hereby is, authorized and directed for and on behalf of the Corporation to prepare, execute and deliver the Certificate of Merger and any other agreements, certificates and other documents referred to therein or contemplated thereby, and to cause the Corporation to perform its obligations under the Certificate of Merger; and

**RESOLVED FURTHER**, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to execute and deliver all other instruments, effect all filings and qualifications, and take all further actions, that either of them deem to be necessary or appropriate to carry out the purposes of the foregoing resolutions and to consummate the transactions contemplated by the Merger and the Certificate of Merger.

This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record

## BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.